



July 1, 1999

Ms. Elizabeth Dierdorf
Assistant City Attorney
City of Fort Worth
1000 Throckmorton Street
Fort Worth, Texas 76102

OR99-1836

Dear Ms. Dierdorf:

You ask whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 125382.

The City of Ft. Worth (the "city") received a request from a former city employee for "any and all paperwork, reports, investigations in reference to my employment and termination" from city employment. You relate that the city has provided most of the responsive information to the requestor, however, you seek to withhold three documents. You claim that the subject information is excepted from disclosure under sections 552.107 and 552.111 of the Government Code. You have submitted information to this office for review.¹ We have considered the exceptions you claim and reviewed the submitted information.

Section 552.107(1) excepts information from disclosure if it is information that the attorney general or an attorney of a political subdivision is prohibited from disclosing because of a duty to the client under the Texas Rules of Civil Evidence, the Texas Rules of Criminal Evidence, or the Texas Disciplinary Rules of Professional Conduct. This exception applies to "privileged information," *i.e.* communications made to the attorney in confidence and in furtherance of rendering professional services or that reveal the attorney's legal opinion or advice. Open Records Decision No. 589 at 1(1991). In this case, there is no indication that

¹You have highlighted a portion of the submitted information, contending that it is not responsive to this request. However, as it is information contained in "paperwork" associated with this employee's termination, we are of the opinion that it is responsive to this request.

the memoranda directed to counsel was intended to be a confidential communication. Also, you indicate that a copy of a written communication between city employees who are not attorneys was attached to one memorandum sent to an assistant city attorney. We note that this item was not included in the materials you identify as having been supplied to this requestor. This information was not originally an attorney-client communication and its inclusion in such a communication does not create an exception from disclosure for the original document. We conclude that the subject information is not excepted from disclosure by section 552.107(1) of the Government Code.

You also assert that the information is excepted by section 552.111 as inter-agency memoranda. This section protects such memoranda to the extent that they contain advice, opinion, or recommendation intended for use in the entity's policymaking process. Open Records Decision No. 615 at 5 (1993). It does not encompass internal administrative or personnel matters, as disclosure of information relating to such matters will not inhibit free discussion among agency personnel as to policy issues. Open Records Decision No. 615 at 5-6 (1993). The subject information concerns specific personnel matters, and is not excepted from disclosure by section 552.111. The information must therefore be released.

We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and should not be relied upon as a previous determination regarding any other records. If you have questions about this ruling, please contact our office.

Sincerely,



Michael Jay Burns
Assistant Attorney General
Open Records Division

MJB/ch

Ref: ID# 125382

Encl. Submitted documents

cc: Ms. Mary Angela Arrington
221 South Roberts Cutoff
Fort Worth, Texas 76114
(w/o enclosures)